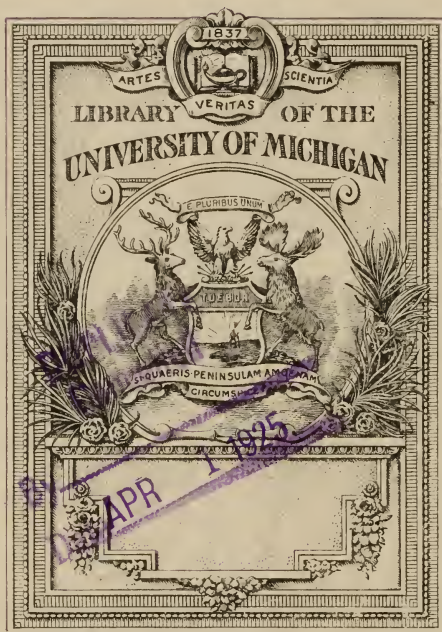


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Charter History of the University of Vermont

An Oration

delivered upon

The Centennial Anniversary

of the

Granting of the first Charter of the University

June 24th, 1891

By Robert D. Benedict, A. M. LL. D.

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*Mr. President and Gentlemen of the Corporation, and Ladies
and Gentlemen :*

Thirty-seven years ago, in the year 1854, we celebrated the Semi-centennial Anniversary of the University of Vermont. The centennial Anniversary, therefore, will properly be held in the year 1904, thirteen years hence.

At that Semi-centennial a discourse touching the history of the first fifty years of the institution was delivered by Rev. Dr. John Wheeler, formerly President of the University. To the Centennial Anniversary will belong the narrative of the eventful latter half of the first century of its history.

It is not within the scope of what I propose to-day, to repeat the work which was so well done in 1854, or to forestall the work of the historian to whom that future narration shall be committed. This is the Centennial Anniversary of the granting of the first charter of the University, and it is to some matters connected with its charter history that I am to direct your attention. It is a matter of regret to me that the learned and distinguished gentleman to whom that task was allotted was unable to fulfill it. With his abilities and the opportunities at his command, he could not have failed to produce for this occasion something fully worthy of it, and of permanent value to the Institution. I have been called to the task at

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a late hour, and I have had no access to stores of material in the State, which would have given added interest and value to a discourse on this subject. As it is, I must bespeak your indulgent judgment. If I shall succeed in bringing before you matter which shall keep your interest for the hour, I shall have attained all the success for which I dare to hope.

The Charter of the University of Vermont was granted by the Legislature of the State on the 3d of November, 1791. Consider for a moment what was the condition of the State, politically and otherwise, at the time. The Act of Congress, declaring that the State of Vermont should be "admitted into this Union as a new and entire member of the United States of America", had been signed by the President, George Washington, on the 18th of February, nearly nine months before. In October of 1790, the long pending controversy between Vermont and New York had been amicably settled by an agreement, under which, in consideration of \$30,000, Vermont obtained a cession of all the rights which New York had claimed within the limits of Vermont.

With her outside difficulties thus happily removed, and with the vital relation between herself and the rest of the United States fully established by her admission into the Union, Vermont was at liberty to give her full attention to her internal affairs, and to provide measures for the prosperity and welfare of her people. They were not a numerous peo-

ple. The census of the State, taken in that year 1791, showed a total population of 85,539, * of which, 61,260 were in the four southern counties. Chittenden County had a population of only 7,301. Burlington had a population of 332—less than Shelburne, which had 389, or Williston, which had 471. But the State was a growing one. † In the twenty years previous its population had increased more than ten fold, and in the twenty years following it nearly trebled. It was not a wealthy population, of course. There was not a Bank in the State, or, so far as I can learn, any moneyed or business corporation of any kind. The ratable property of the township of Burlington, in 1791, was put at £1,258. Thirty years later the whole grand list of Burlington was only \$25,550; and of the 245 townships in the State there were not twenty whose grand list was greater.

That a people so recently freed from the double burden of the Revolutionary War with England, and the long contest for their homes against the grasping power of New York,—a people slender in numbers and resources, should lay the foundation of a University for the higher education of their children, showed that they were not without the spirit of the Puritan settlers who established Harvard College,—the spirit

* Williams' Hist. of Vt., p. 409.

† *Ib.* p. 411.

expressed in these words of one of them: "After God had carried us safe to New England, and we had builded our houses, provided necessaries for our livelihood, reared convenient places for God's worship and settled the civil government, one of the next things we longed for and looked after, was to advance learning and perpetuate it to posterity." *

The people of Vermont had not, however, waited till this period of peace before taking measures to advance and perpetuate learning. In the Constitution which they had adopted in 1777, fourteen years before, while the question whether there should ever be a State of Vermont was still an open one, having little ground of assurance except the invincible determination of her people, a clause providing for public education, including a State University, had been inserted.

It is worth while to consider this constitutional provision for a little, because the action of Vermont as to education differed in some respects from that of all the other colonies.

The Continental Congress, on the 15th of May, 1776, passed a Resolution recommending "the representative assemblies and conventions of the United Colonies to adopt such governments as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and of America in general." In pursuance of this recommendation most of the colonies proceeded

* Mass. Hist. Coll., Vol. 1, p. 242.

to set up forms of government for themselves, by calling conventions to prepare new constitutions. Connecticut only passed a law continuing her form of government under her Colonial charter. But New Hampshire, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina and South Carolina adopted new constitutions in 1776. New York and Georgia did the same in 1777, and Massachusetts in 1780. Rhode Island adopted none till 1842.* Thus at the time of the first Constitutional Convention of Vermont, in November, 1777, ten new constitutions had already been adopted by the Colonies.

Only three of the Colonies, Pennsylvania, North Carolina and Georgia, had included in their constitutions any provision relating to education.

The Article in the constitution of North Carolina provided "That a school or schools shall be established by the Legislature for the convenient instruction of youth, with such salaries to the Masters paid by the public *as may enable them to instruct at low prices*. And all useful learning shall be duly encouraged and promoted in one or more universities." It may be doubted whether the idea of having common schools, furnishing free education to all the people, entered into that provision, which seems to look only to the furnishing of such assistance to teachers that they could lessen the prices which

* Poore's Constitutions of the United States.

they were, of course, to charge. But the idea of State Universities was clearly embodied.

The constitution of Georgia went farther, in reference to County schools, for it provided that, "Schools shall be erected in each county, and supported at the general expense of the State as the Legislature shall hereafter point out;" but it made no reference to any University.

The Constitution which Pennsylvania adopted provided for schools in each county, like Georgia, and for one or more universities, like North Carolina.

The men of Vermont, who met in 1777 to form a Constitution for the independent State, which they had determined to set up between the two conflicting powers by which Vermont was claimed on either side, were not men of experience in that kind of business. Thomas Chittenden was the only man in that Convention of 1777 who had ever sat in a Legislative body. He had represented the township of Salisbury in the General Assembly of Connecticut for several years before he moved to the New Hampshire Grants, and that experience must have made him an invaluable member of the Convention, coupled as it was with enlightened views and a rare sagacity. Ethan Allen said that Gov. Chittenden was "the only man he ever knew who was sure to be right in all, even the most difficult and complex cases, and yet could not tell or seem to know why it was so."*

* Governor and Council, Vol. 1, p. 119.

The members of the Convention naturally sought to guide themselves by the work which others had done. It is plain that they took for their model the Constitution which Pennsylvania had adopted the year before.* The opening of the preamble is identical, and there are many provisions having the same words in both. But, while following Pennsylvania as a model, they did not hesitate to make changes in her work. Thus, to take a notable instance, the Constitution of Pennsylvania, as its first Article, had the following, embodying ideas taken, of course, from the opening sentence of the Declaration of Independence: "That all men are born equally free and independent, and have certain natural, inherent and inalienable rights, among which are the enjoying and defending life and liberty, acquiring, possessing and protecting property and pursuing and obtaining happiness and safety." The men of Vermont placed these same words in the front of their Constitution, but they did not stop there. They made an instant application of them by adding: "Therefore, no male person, born in this country or brought from over the sea, ought to be holden by law to serve any person as a servant, slave or apprentice, after he arrives to the age of 21 years; nor female in like manner after she arrives to the age of 18 years." And by this clause they set up their new State upon the corner stone of freedom, and gave the state of Vermont the proud distinction of having,

* Vermont Hist. Soc. Coll., Vol. 1., p. 63.

from the beginning, prohibited human slavery within her borders.

So in reference to the matter of education, the men of Vermont went beyond their Pennsylvania model. They embodied in the constitution which they prepared, substantially our present educational system. The 40th section was as follows: "A school or schools shall be established in each town for the convenient instruction of youth with such salaries to the Masters paid by each town, making proper use of school lands in each town, thereby to enable them to instruct youth at low prices. One grammar school in each county and one university in this State ought to be established by direction of the General Assembly."

You will note that North Carolina had only provided for "a school or schools" throughout the State; while Georgia and Pennsylvania had provided for schools to be erected in each county—manifestly intending schools like academies or grammar Schools. North Carolina and Pennsylvania had also recommended one *or more* universities. But the men of Vermont began at the bottom and put into their constitution the requirements of schools for each town, a grammar school for each county and a university for the State. And with a wise regard for the best interests of the State, instead of providing for "one *or more* universities" they said: "One

University in this State ought to be established by the General Assembly."

Mr. Slade, in his State papers, where he prints this Constitution,* adds in a note that "it is worthy of remark that this Constitution was never submitted to the people for their ratification." He perhaps was not aware that there was no difference on this point between Vermont and her predecessors in constitution-making. None of the constitutions adopted by the colonies were submitted to the people for ratification, until Massachusetts submitted hers in 1780. The Conventions were authorized, as the Vermont Convention was, to form a Constitution; and they exercised the power committed to them, and proclaimed their action to the people and that was the end of it. The people ratified it by acting under it.

The Constitution contained a provision, which was also adopted from the Pennsylvania model, for the election of a Council of Censors in 1785, who were to have power to call a Convention if there appeared to the Censors "an absolute necessity of amending any article of the Constitution." The amendments proposed were to be published six months before the meeting of the Convention "for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject."

* Slade's State Papers, p. 241.

A Council of Censors was accordingly elected in 1785, which recommended certain alterations in the Constitution, and called a Convention to be held in June, 1786, for their consideration, and in February, 1786, the Council of Censors issued an address to the Freemen of the State of Vermont on the subject.

Two things are now to be noted: first, that in the new Constitution which the Council of Censors thus recommended to the people, they had stricken out the clause that, "one university in this State ought to be established by direction of the General Assembly," and second, that in the address to the Freemen of the State, not the slightest allusion was made to this important change.

I cannot believe that any change could have taken place in the minds of the men of Vermont between 1777 and 1786 as to the importance or desirability of a university education, for Dr. Williams, the historian of Vermont, in 1794, says: "From the first assumption of the powers of Government, the Assembly had in contemplation the establishment of a University in the State, and with this view reserved one right of land, in all the townships which they had granted, for the use of such a seminary."* And yet the fact remains that the clause of the Constitution recommending one university was stricken out in 1786, and the act incorporating the

* Williams' Hist. of Vt., p. 341.

University in 1791 was not passed by reason of any constitutional requirement.

I have not found in any narrative of the founding of the University, of which several have been written, any explanation of this fact, or indeed, any mention of the fact itself. How did it happen that that important change in the Constitution was made?

If we had the detailed report of the proceedings of that Council of Censors, and of the Convention which acted on their recommendations, we might be able to find what were the exact reasons which induced the striking out of that clause from the Constitution. Perhaps no such detailed records were kept. Or, perhaps, as was said in reference to the proceedings of the Convention of 1777, "the original documents have long since fallen a prey to the mice, the paper-makers, or some other animals whose special function it is to destroy the sources of history."* In their absence, we are left to conjecture on this point; and it has occurred to me that this change might have been due to influences from the direction of Dartmouth College.

It will be remembered, by those who are familiar with the early history of Vermont, that in the course of the long contest between Vermont and New York, there was not only a strong sympathy among the towns on the east side of the

* Rev. P. H. White's Address; Hist. Soc. Coll., Vol. 1, p. 57.

Connecticut River with their brethren of the New Hampshire Grants on the west side of the River, but a strong inclination among them to cast their own lot in with the new State, which had been there set up. It seemed to some of them that it was by no means certain that the new State would be able to maintain her jurisdiction west of the mountains against the encroachments of her powerful neighbor, New York ; and that if she should not succeed in doing so, and in fact in any event, it would be a good scheme to unite into one State the whole valley of the Connecticut on both sides of the River, on whose waters the capital of a State so formed would naturally be placed, and probably at Hanover. Nor was this plan unacceptable to the men on the west side of the River, who might naturally consider the accession of towns from the east side as bringing added weight to Vermont in her contest with New York. And so on the 11th of June, 1778, the General Assembly of Vermont, sitting at the house of Capt. Stephen Fay, in Bennington, acted upon a petition, which had been presented to them by sixteen towns on the east side of the River, praying to be admitted as a part of Vermont, and voted that the union prayed for take place.† And thereupon representatives from ten of those towns took their seats in the General Assembly of Vermont. This action aroused such a

† Slade's State Papers, p 90.

feeling on the part of New Hampshire, that it very soon became apparent that the step had been unwise and must be retracted; and on February 12th, 1779, that union was dissolved, having existed only eight months.

The feeling which had led to that union was, however, by no means wiped out, and in 1780 it took on again an active and larger form. In November, 1780, a Convention of towns in the New Hampshire Grants, on both sides of the River, was called to consider the subject. The Convention met in January, 1781, at Charlestown, N. H.* It was attended by delegates from forty-three towns, and resulted in a new application to the General Assembly of Vermont, then sitting at Windsor, for a union of all the Grants on both sides of the River, under the Government of the State of Vermont. It seems to have been due to the exertions and influence of Ira Allen that that Convention did not resolve to seek a union with New Hampshire instead of Vermont.† The question of union was referred by the General Assembly of Vermont to a popular vote, and, that having resulted in favor of the proposed union, the General Assembly, on the 5th of April, 1781, passed a vote establishing the union as prayed for; and the next day thirty-five representatives from towns east of the

* State Papers, pp. 128.

† Allen's Hist. of Vt., pp. 147-8.

Connecticut took their seats in the General Assembly of Vermont. And there being no election of Lieutenant Governor at the following general election, the General Assembly proceeded to fill the place by electing Col. Elisha Payne, of Lebanon, on the east side of the Connecticut, as Lieutenant Governor of the State of Vermont.

It would take too long to tell all the causes, as a result of which this union shared the fate of its predecessor.* Suffice it to say that it appeared that this action of Vermont was a new obstacle in the way of her admission into the United States. And therefore, on the 22d of February, 1782, she again retraced her steps, and this second union with the New Hampshire towns was also dissolved, having lasted a little more than ten months only, and Vermont returned to her former and permanent boundaries, a result which has given to the State a backbone of mountains, more appropriate to her history than would have been the watery backbone of the Connecticut River.

It is of course easy to see that the occurrences connected with these unions had made close relations between the men of Vermont and those of the towns on the east side of the River. Hanover had, on both occasions, been one of the towns united with Vermont; and John Wheelock, who became President of Dartmouth College in 1779, has the repu-

* See Hall's Early Hist. of Vt., ch. xxxi.

tation of having been the first one to propose the union of Western New Hampshire with Vermont. That Dartmouth College, as a body, took a very active part in those transactions, is proved by a petition which is extant from certain citizens of the neighboring township of Llandaff to the Governor of New Hampshire, in October, 1781, praying for "ade and Protection against the insults and abuses of the Vermont and especely of the Emeserries of the Coledg."*

While these unions lasted, i. e. for eighteen months in all, Dartmouth College was within the boundaries of Vermont. It was quite natural and proper that she should look out for her own interests in her new relations, and natural that she should receive friendly consideration from the men to whom she had given such assistance. And so it is no matter of surprise that four days after the adoption of the union of 1778 the General Assembly of Vermont should have passed a vote to take "the incorporated University of Dartmouth under the

* The whole petition was as follows :

Landaff, Oct. 3, 1781.

"We the inhabitants of sd— Landaff having a Laudebel atachment to the State of New hampshier and Likewise to the thirteen united States of America and as We Live wheir Vermont Claims Jurisdiction have Received so maney insults from that Quarter and are Now in Verry Grate feear of Being insulted by them and Especialy from the Emesserries of the Colledge Do humbly Petition to the Honourabel Court of New hampshier for ade and Protection Against the insults and abuses of the Vermont and especely the Emeserries of the Coledg Which your Petitioners in Duty Bound shall ever Pray."

patronage of Vermont ;” or that in June, 1785, on the personal presence and request of President Wheelock, it should have granted 23,000 acres of land, for the benefit of Dartmouth College and Moor’s Charity School in Hanover ; the preamble setting forth as the reason for the grant that the Legislature had a high sense of the importance of the said institution “to mankind at large and to the commonwealth in particular ; its situation and connections being most favorable to diffuse useful knowledge through the same.”

Now it seems to me that the leading minds of Dartmouth College must have seen, as soon as the union which had put that institution within the boundaries of Vermont was dissolved, that the clause in the Constitution of Vermont, which provided that “one University *in this State* ought to be established by the General Assembly,” became a strong, if not an impassable barrier to any further assistance to Dartmouth College from Vermont, and that it also contained a foreboding of the establishment of a new institution somewhere within such limits as would endanger rivalry, or at least draw upon resources which would otherwise be available for the benefit of Dartmouth. And I cannot but suspect that this quiet dropping out from the proposed new Constitution of Vermont of this clause providing for one University “in this State” was due to influences from the quarter to whose interest it manifestly was to have the clause removed.

There was also a clause inserted by the Council of Censors, in the Constitution which they proposed to the people of Vermont, the insertion of which seems to me to point in the same direction. Whether the gift of a township of land to Dartmouth was the only legislative grant of the kind or not, attention seems to have been called to the injury which might result to the State from similar grants to corporations of other States, and accordingly the following new section was proposed by the Censors as the 40th Section of the proposed Constitution :*

“To prevent this commonwealth being perpetually drained of circulating specie by uses not beneficial to the same, the Legislature ought to prevent corporations and societies in remote parts taking or holding any lands lying within this State, and to appropriate grants, which have heretofore been made to such societies or corporations, to the use of literature within this community.”

If this proposed section had stopped here, it would have been an effectual bar to any farther gift to Dartmouth College. But that was not the result intended to be secured, for the section proceeded as follows : “Provided, on account of the contiguity and usefulness of the corporation of Dartmouth College to this State, this section shall not be understood to affect the said Corporation, while the College is maintained in the town where it now stands.”

* Slade's State Papers, p. 529.

These proposed provisions of the Constitution would, therefore, have had this result, if adopted. The requirement that there should be one University "in this State" was abolished ; future grants of land to corporations outside the State would be forbidden, *except to Dartmouth*, and all grants which had been made to other outside corporations, *except to Dartmouth*, would be appropriated, to the use of literature "within this community" *including Dartmouth*.

If these proposed amendments to the Constitution had their origin in any plan to secure for Dartmouth College privileges in Vermont protected by the Constitution of Vermont, the plan did not succeed.

For, although the Convention, to which these proposed amendments to the Constitution were submitted, did not reinsert the clause providing that "one University in this State ought to be established," it struck out the whole of that section which would have given special privileges to Dartmouth.

The men who managed the affairs of Dartmouth were not, however, discouraged by this action of the Constitutional Convention ; and that same year an application was urgently pressed upon the attention of the Legislature of Vermont, by President John Wheelock, requesting the passage of an act which should give to Dartmouth College the lands which had been reserved in the various township grants throughout the State, as well those granted by New Hampshire as those

granted by Vermont. In each of the grants issued by Gov. Wentworth, of New Hampshire, (about 130 in number) one share out of seventy had been reserved for the Society for the Propagation of the Gospel in Foreign Parts, and one share for a glebe for the Church of England. These were the grants to outside corporations referred to in the clause proposed by the Censors, which I have quoted. In each of the townships granted by Vermont herself, one share was reserved for the use of a Seminary or College. All these rights, thus reserved, it was proposed by President Wheelock's petition to turn over to Dartmouth College, on her agreeing to set up and maintain an Academy in each county and give free tuition to all students from Vermont at Dartmouth, or at a branch College, to be set up in Vermont if the Legislature should ever think such a thing to be necessary.

But the union between Vermont and the towns on the east side of the River had been finally dissolved. If the proposal to change the Constitution, which I have discussed, had been due to influences favorable to Dartmouth, those influences were fading before the rising feelings of pride and affection for their own State in the hearts of Vermonters. The request of Dartmouth was not granted; the vote taking Dartmouth under the patronage of the State was allowed to lapse into oblivion; and the attention of the men of Vermont was turned toward the establishment of their own University.

A proposition which had been made by Elijah Paine in 1785 to give £2,000 towards the incorporation of a College, provided it was settled in Williamstown, was renewed in 1787; and in 1789 came the offer of Ira Allen to give £4,000 for that object, provided the College was settled at Burlington, which offer was supplemented by other subscriptions for the same purpose, to the amount of £1,643.12s, three hundred pounds of which was the subscription of the Governor, Thomas Chittenden, the first founder of the town of Williston. And two years later, in November, 1791, the Act was passed which incorporated the University and placed it on this spot.

Burlington, as you doubtless know, was selected by a clear majority of 52 over all other places, in an assembly of 126. This large vote was due no doubt to the influence of Ira Allen, and the weight of his exceedingly liberal offer. The largest donation received by Harvard, up to 1836, was only half as large. And though, by reason of the unfortunate business reverses suffered by Ira Allen in after years, a large part of his subscription was never realized, it was, at the time, an exceedingly liberal offer, even considering the large wealth which the giver estimated himself to possess; for in 1809-10 he estimated his lands in the State as being worth a million dollars. He was not by any means the only man who, estimating himself to be wealthy in lands, has been really land poor, and has finally died in poverty. His subscription was by far the largest part of

all the subscriptions; and the subscriptions were substantially the only foundation of the University. The Legislature in granting the charter did indeed give to it the lands which had been reserved in the various township grants for the use and benefit of a College, which amounted to a little more than had been granted to Dartmouth College. But these grants were of little avail for the expenses of beginning. The trustees determined to lease them rather than to sell them, the wisdom of which action is much commended by Ira Allen in his *History of Vermont*.* It is much to be regretted that the necessities of early times compelled the sale of a part of the 50 acres which were originally set off for the site of the College as lands which formed part of Ira Allen's subscription. By reason of that unfortunate necessity the University has been much cramped for the room made necessary by its growth. It is a source of congratulation that by reason of the recent purchase of 100 acres, east of the College buildings, it can look forward to the requirements of the coming century with less uneasiness.

As I have said, the Legislative grant of lands was of little avail at first. It was stated in a report made by the trustees to the Legislature in 1804, that the total amount of money which they had actually received from these lands granted by the Legislature had been \$79.42, or about \$7 a year for the thirteen years which had passed since the charter was granted.

*Allen's History, p. 253.

The University was, therefore, put in motion with funds contributed by individual citizens, and the subscription of Ira Allen may well be considered its corner-stone. That subscription it was, doubtless, which carried decisive weight in the question of the location of the University here. But aside from the weight of Gen. Allen's subscription, I cannot doubt that the fact to which he referred in his petition, that the location was "a hundred miles from Dartmouth College," and was a favorable one in respect to "the Province of Quebec and the Northern part of the State of New York, where there are no Colleges," gave added weight to his petition.

Colleges were not as numerous then as now. There are now in the United States about four hundred; but up to that time only twelve had been chartered in all America, and of these only four were within the bounds of New England. Harvard had been founded in 1636, one hundred and fifty-five years before. Yale had been founded in 1701, ninety years before. Brown University had been founded in 1764, twenty-seven years before, and Dartmouth in 1771, twenty years before. The will of General Williams had founded the Williams Free-School six years before, and the thought of making a College there was probably already working in the minds of its friends, for the charter of Williams College was obtained only two years later.

With Harvard, Yale and Dartmouth in full existence, and Williams on the eve of coming into life, what region was there left so favorable for the "one University in this State" which had been recommended by the first Constitution, as the valley of Lake Champlain?

The Act of Incorporation of the University, passed in 1791, had been drawn up in 1789 by a Committee of five members of the House, viz: Nathaniel Chipman, Israel Smith, Elijah Paine, Samuel Hitchcock and Stephen Jacob, to which the Council added Isaac Tichenor. Elijah Paine, one of this number, is authority for the statement that "in 1784 there were not more than nine persons in the State, excepting clergymen, who had received a College education." The six members of this Committee were of those nine. They were graduates, three of Yale, two of Harvard and one of the College of New Jersey at Princeton. They were men, therefore, who may be supposed to have known about other College charters; and if, in their work, they varied from other charters, such variance may be supposed to be due to a desire to improve upon them.

There are four points in the Act of Incorporation which they drew, to which I wish to call attention:

First. Harvard, in addition to a Board of Trustees, had also a Board of Overseers, by whom the orders and rules of the Trustees could be overruled or altered.

Brown University also had two governing boards.

Yale had only one Board of Trustees. There had been a strong effort in 1763 to have a Board of Overseers added by law, but it had failed.

Princeton had but one Board of Trustees. Dartmouth had but one.

The framers of our Charter made the University agree with Yale, Princeton and Dartmouth, rather than with Harvard and Brown, and gave its government to a single Board of seventeen Trustees.

Second. The Charter of Harvard established a relation between the College and the Government of Massachusetts, by providing at first that the twelve Overseers should be chosen by the General Court, "six of the Magistrates and six of the Ministers." But it must be remembered that at that time no one could vote in Massachusetts to elect a magistrate or a member of the General Court, unless he was a member of the Church. So that the difference of class between "Magistrates" and "Ministers" was not as wide as it would otherwise have been. By the Constitution of the State, adopted in 1780, the Governor and Lieutenant Governor, the Council and the Senate were added to the Board of Overseers.

By the Charter of Dartmouth, the Governor of the Province for the time being was one of the Trustees. But there was no such even formal connection with the State in

the charters of Yale and Brown. In the charter of Princeton the proposal to make a more positive connection with the Government than that, was rejected, and although the Governor was named as one of the Trustees, it appears by a letter of Jonathan Edwards, that even this was looked upon with uneasiness by the promoters and friends of the charter.*

The framers of our charter took Harvard and Dartmouth as their model on this point, instead of Yale and Brown, and provided that the Governor of the State and the Speaker of the House of Representatives for the time being should be *ex officio* members of the Board of Trustees of the University.

Third. The charters of the other Colleges made them distinctly denominational, and not only that, but distinctly clerical in their government.

The charter of Harvard required that among the Overseers should be the Congregational Ministers in six of the towns, one of which was Boston. This made Harvard distinctly Congregational.

The charter of Yale provided that any new trustees elected, must be "Ministers of the Gospel inhabiting within the Colony," which made Yale also distinctly Congregational.

The charter of Princeton named to be Trustees of the College, the Governor of the Province, ten "gentlemen," and twelve "Ministers of the Gospel," thus giving the Ministers a

*McLean's Hist. of the Coll. of N. J., Vol. 1, p. 89.

majority over the "gentlemen." McLean, in his History of the College, (Vol. 1, p. 88,) says: "The first four persons named as Trustees were members of His Majesty's Council for New Jersey, but they were not Trustees *ex officio*, but by special designation. There was probably an intense desire on the part of the friends of the College to have these gentlemen for Trustees. But they never would have assented to have their successors in His Majesty's Council to be *ex officio* their successors in the Board of Trustees. The College was a Presbyterian College, established by Presbyterians, supported by Presbyterians, and controlled by Presbyterians, and they never would have consented to run the risk that might arise, either to the religious or Presbyterian character of their institution from having so large a number of the Board chosen, not by the other Trustees, but by the Superior Power."

The conditions were similar among the other Colleges of the land. Columbia, in New York, and William and Mary College in Virginia and the University of Pennsylvania were under Episcopal control. Dartmouth was Congregational; and the charter of Brown University provided that eight of its 12 Fellows, and 22 of its 36 trustees must be Baptists, the other trustees being 5 Episcopalians 5 Quakers and 4 Congregationalists.

The question must have presented itself to these six College Graduates who drew up the charter of our University,

whether or not they would in this regard follow the examples of the earlier charters. They determined not to follow them. And they put in their charter the broad provision that the Trustees might elect, as their successors, "such and so many as they shall think proper," not exceeding 17, without any requirement that they should be either Ministers of the Gospel or connected with any denomination whatever.

In thus providing for no denominational control in the University, the Committee were in harmony with the public sentiment of the people of Vermont.

Dr. Williams, in his History of Vermont, of 1794, uses the following language as to the characteristics of her people:*

"Some of the people," says he, "are Episcopalians, others are Congregationalists, others of the Presbyterian and others of the Baptist persuasion and some are Quakers. All of them find their need of the assistance of each other, in the common concerns and business of life. And all of them are persuaded that the Government has nothing to do with their particular and denominational tenets. It is not barely *toleration*, but *equality* which the people aim at. Toleration implies either a power or a right in one party to bear with the other, and seems to suppose that the governing party are in possession of the truth, and that the others are full of errors, * * * The body of the people in this community carry their ideas of religious liberty much farther than this."

This love of religious equality among the people was doubtless shared by the framers of our charter and led to the non-denominational character of the instrument. The omission of the requirement of the other charters that new Trustees should be "Ministers of the Gospel" was certainly not due to any lack of respect for the clergy. Dr. Williams, in his His-

*Williams' Hist., p. 336.

tory of Vermont, says: "The order of the Clergy appeared to advantage in the colonies." And he naively adds: "among the doctrines which had divided the Christian World, they had almost universally embraced the opinions of Calvin, but were not deficient in inculcating the duties of morality and the maxims of practical truth." Whether this was in spite of their Calvinism, as Dr. Williams seems to think, or not, the fact remains that in Vermont, as well as in the other colonies, the Clergy, to use his words, "appeared to advantage," and were not personally discriminated against. Three of the first trustees named were ministers of the Gospel, one being a Baptist, another an Episcopalian and another a Congregationalist. But the framers of the charter did not intend that the University should be under exclusively clerical control or under the control of any denomination. And to make this purpose entirely clear, they provided by a special clause that the by-laws of the University should "not tend to give preference to any religious sect or denomination whatsoever."

In all the colleges it was provided that variance of religious belief should not exclude from the privileges of the college; but that was a very different requirement from this. That was toleration. This was equality.

Fourth. There was one provision which the framers of our charter found in all the other charters, viz., that the trustees should have the power to elect their own successors. This

was an essential provision for institutions which were intended to be and remain under denominational and clerical control, as those were, for in no other way could such special control be assured. You will remember how strenuously this was insisted upon in the extract which I quoted from the history of the College of New Jersey.

That reason for adopting such a provision in our charter, did not exist. Sufficient reason for its adoption was doubtless found in the steadiness and unity in educational purposes and plans which would naturally result from it. And on this point our charter was made to agree with those of the other colleges.

I have called special attention to these four points, because it was about them chiefly that the great controversy raged in New Hampshire in the early years of this century, which gave rise to the famous Dartmouth College case; and that controversy throws a strong side light upon an important part of our own charter-history.

The Dartmouth College controversy probably had its origin in personal differences between John Wheelock, the president, and some of the Board of Trustees. It will always stand as a striking example of the simile of the wise Hebrew, that "the beginning of strife is as when one letteth out water." Whether the personal differences had their origin in matters connected with the church government or with

philosophical teaching, or not, the stream of controversy once started was very soon swelled by religious differences and the "odium theologicum," and this was speedily followed by the wild torrent of party politics. Diverted then into the channel of judicial proceedings, it reached an end in the decision of the Supreme Court at Washington.

That determination produced results which have been felt throughout the length and breadth of the whole land, and have been a powerful influence, not only in giving security to our collegiate institutions, but in moulding the whole form and character of our nation and its government.

To write the story of the Dartmouth College case, would require volumes. It would call for a narrative of the great religious controversy in New England of the first part of this century, the controversy between the "Standing Order" as it was called, and the combined forces of other denominations and of irreligion. It would call for a narrative of the political controversy of the same period between Federalist and Anti-Federalist, during which, as Mr. Shirley says in his *History of the Dartmouth College Cases*, "the Union became an ocean of political passion without a parallel, except that which preceded the late civil war. Partisan fury spared nobody. Life-long friends turned away from each other as they met, and the furnaces of defamation, seventy and seven times heated, flamed incessantly." It would call also for a

narrative of the founding of Dartmouth College and of the personal relations of the Wheelocks, father and son, to the State, the College and their associates in its management.

A very brief sketch of it will be sufficient for my purpose. Disagreements had arisen between President Wheelock and a majority of the Trustees; and in November, 1814, that majority, ostensibly to relieve the President in the performance of his "very multiplied and arduous duties," "excused" him from hearing the recitations of the senior class in Edwards on the Will, Locke on the Human Understanding and Stewart's Philosophy of the Mind, and ordered that two of the Professors should "jointly supply the pulpit" as they should agree. It is no marvel that President Wheelock should not only have resented, but resisted this limitation of his functions. It is no marvel, if the quarrel had its origin in a difference of theological views, that it should have interested the opposing religious elements; no marvel that in those "feverish times" to use the expression of Judge Story, the contest should have been carried into party politics. A war of pamphlets spread the controversy through the State and made it bitter, and President Wheelock, in 1815, appealed to the Legislature, making a strenuous assault on the trustees and praying for the appointment of a committee to investigate their proceedings. The trustees were not able to prevent

the passage of a resolution for the appointment of the committee, but were able to procure the appointment, by a friendly Governor, of a friendly committee. They were also able to do another thing, which they did, viz., they removed President Wheelock from his office on the 26th of August, 1815.

A prophetic letter is extant from Jeremiah Mason, one of the legal giants of that day and afterwards prominent counsel for the trustees of the College, to his cousin, Charles Marsh, one of the trustees, warning against any such action. He wrote that "such a measure adopted under present circumstances and at the present time, would have a very unhappy effect on the public mind." And he added what gives us a view of the dividing lines of the controversy, as follows :

"That part of the President's complaint which relates to his religious grievances addresses itself pretty strongly to all the prejudices and feelings of all those opposed to the sect called Orthodox. This comprises all the professed friends of liberal religion, most of the Baptists and Methodists and all the Nothingarians. The Democrats will be against you, of course. All these combined would compose, in this State, a numerous and powerful body. Any measure adopted by the Trustees with the appearance of anger or haste will be eagerly seized on."

The majority of the trustees disregarded this advice of

Mason, and what he had predicted followed. The contest became a prominent element in the State election of that Fall. The partisans of President Wheelock throughout the State threw their weight in favor of Plumer, the Anti-Federalist candidate for Governor, whose sympathies were openly on the Wheelock side, and he was elected and with him a majority in the Legislature. Governor Plumer in his first message brought the matter of the College before the Legislature. The situation was simple. The majority of the trustees were opposed to Mr. Wheelock, and as long as they had the right to choose their own successors, a majority would remain opposed to him. In some way this majority must be transformed into a minority. The power given by the Charter to the trustees to elect their own successors was plainly the key to the situation; and it was against that that the Governor directed his attack.

“The Charter,” said he, “was granted by John Wentworth, who was then Governor of New Hampshire under the authority of the British king. As it emanated from royalty, it contained, as was natural it should, principles *congenial to monarchy*. Among others, it established Trustees, made seven a quorum and authorized a majority of those present to remove any of its members which they might consider unfit or incapable, *and the survivors to perpetuate the board* by themselves electing others to supply vacancies. This last

“ principle is hostile to the spirit and genius of a free government. Sound policy, therefore, requires that the mode of election should be changed, and that Trustees, in future, should be elected by some other body of men.”

The pretext thus furnished by the Governor was speedily acted upon by his adherents in the Legislature. Within twenty days they passed an Act, the effect of which, if it had been sustained, would have been to destroy the old charter of Dartmouth College and to establish a new corporation to be called “The Trustees of Dartmouth University.” It provided that the University should be governed by a board of Trustees and a board of Overseers, the latter having a supervisory power over the trustees; that the number of trustees should be twenty-one instead of twelve; that the board of Overseers should be twenty-five in number, of whom the President of the Senate and Speaker of the House of Representatives of New Hampshire, and the Governor and Lieutenant-Governor of Vermont should be members *ex officio*; that the Governor and Council should appoint the overseers and have power to fill all vacancies in that board; that the Governor and Council should also complete the present board of trustees by appointing nine new members, and have power to fill all vacancies in that board that might occur up to the first meeting of the board of trustees.

It is a very curious fact that it is quite doubtful whether, after all, this proposed Act would have made any change in the power of the trustees to choose their own successors. It set over the trustees a supervisory board of overseers, the members of which and their successors were to be appointed by the Governor and Council. It also increased the number of the trustees, giving the appointment of the new members to the Governor and Council, whose appointments would be sufficient to overpower the then majority in the board; and it gave to the Governor and Council the power to fill all vacancies in the board, occurring *up to the time of its first meeting*. But as to how any vacancies arising *after* such meeting were to be filled, the Act was silent. And inasmuch as it also provided that the new board should have all the powers and rights of the old Board, except so far as they were varied or limited by this Act, and inasmuch as the right and power to elect their own successors had certainly been one of the rights and powers of the old board, I do not see but that the new board of the University, *after its first meeting*, would have had in its constitution the same monarchical principle which had been so abhorrent to the Anti-Federalist Governor.

One would have said that, as the Governor had made it the special ground of his assault that the power of electing their own successors was a principle "congenial to monarchy," and

“hostile to the spirit and genius of a free government,” the main thing to be attended to would have been to substitute some other principle. But the main thing in fact was to overcome the majority in the Board, and that being done by the simple process of authorizing the Governor to appoint enough more trustees to put the present majority in the minority, the necessity of providing some new principle of choosing successors, more congenial to the spirit and genius of a free government, was overlooked.

The Governor’s assault upon that principle was in truth nothing but an appeal to prejudice. As Judge Smith said in his argument for the old board of Trustees in the New Hampshire Court :—“ It never occurred to our wise men of former days that the best way of promoting any charitable design was * * * to deny these corporations the power of perpetuating themselves. It is believed that the colleges, academies, free schools, hospitals, asylums, the theological institution at Andover and charitable institutions generally in New England, and in the other States of the Union, have been incorporated in that way.”

He might very well have added that there was no reason to fear that any supposed monarchical tendencies had not been burned out by the fires of the Revolution just as much in the trustees as in the Governor himself.

This action of the Legislature was resisted by the trustees of Dartmouth College as being beyond its constitutional power. The suit, which in the year 1817 they brought to test the question, was decided against them by the Supreme Court of New Hampshire. But on their appeal to the Supreme Court of the United States, that court, in 1819, reversed that decision and sustained the claim of the trustees of the college that the Legislature of New Hampshire had not the power under the Constitution of the United States to take away the rights which had been granted to them by the original charter, without their consent.

“By this opinion,” says Edward Everett, “the law of the land in reference to college charters was finally established. Thenceforward our colleges and universities and their trustees, unless provision to the contrary is made in their charters of incorporation, stand upon the broad basis of common right and justice, holding in like manner as individuals their property and franchises by a firm legal tenure, and not subject to control or interference on the part of the local legislature, on the vague ground that public institutions are at the mercy of the Government.”

I have given this sketch of the Dartmouth College controversy, not for the purpose of emphasizing the protection which it gave to the chartered rights of colleges and universities, although the University of Vermont shares with other

institutions the benefit of that protection, but in order to point out a curious contrast between the histories of the two universities, as to the questions involved in that controversy.

The Legislature of New Hampshire undertook to make a close relation between the College and the State, and for this end to take away from the governing body of the college the power of perpetuating itself, to make State officers members of such board *ex officio* and to give the power of election to the State legislature. The trustees of the college refused to allow this to be done. They held that it was their duty as trustees to prevent the making of such a change in the constitution of the college. They declared their protest against it, because, said they, "its inevitable tendency is to make the highest seat of literature and science in the State subject to every change and revolution of party, than which nothing can be more destructive to its welfare." And they and their supporters made the country ring with their outcries as to the danger to all the institutions of learning in the country, if such action were permitted. As one example of this take this picture, presented by Mr. Webster in his argument before the United States Supreme Court: "What interest," said he, "has the College whose rights these trustees defend, to be "secured here, that every literary institution has not, every "religious corporation, every seminary of learning? To-day "Dartmouth College falls by the stroke of a New Hampshire

“legislature. The outrage receives the sanction of the highest and most august tribunal of our country, if this learned and honorable Court adjudges that a charter gives no rights that are not at the pleasure of State legislatures and affords no protection to property in such institutions that may not be swept away by the violence of popular faction, or the caprice of annual or semi-annual law-makers. The principle thus solemnly and deeply established, who shall say what victims will fall under its destroying power, or in what order of succession they will be led to death?”

It is a noticeable fact, and one which, as we now look back upon such direful anticipations, gives us an impression that they were in truth exaggerated, that, in the history of the University of Vermont, there had been a very similar change of constitution. In the year 1810 the Legislature passed an Act amending the charter of our University. That Act made a slight increase in the number of trustees, and provided that all vacancies in the board should thereafter be filled by the ballot of the Legislature, five members to be elected every third year.

This Act did the very thing as to our University which the New Hampshire legislature sought to do for Dartmouth. It took out of the charter the principle which Governor Plumer thought was so hostile to the spirit and genius of a free government, that the trustees should choose their own successors,

and placed their succession in control of the Legislature of the State.

The difference between the two cases is, that in New Hampshire the change was sought to be forced upon an unwilling board of trustees, whereas, in Vermont the change appears to have been the result of a movement on the part of the trustees themselves. The preamble to the Act so states it. It says : " Whereas the Board of Trustees of the University have requested this Legislature to take said institution under their more immediate patronage and vary the mode of electing Trustees to fill such vacancies as may happen," &c.

If that petition of the trustees was other than a verbal one by a committee, I have not been able to find it. But from what appears on the records of the Legislature, and from the surrounding circumstances, I think I am entirely justified in believing that it had its origin in no personal difference, and no party quarrel in the board of trustees ; and that the motive which led to it was no desire to overthrow opponents, but a hearty desire for the future prosperity of the University. The University was but just getting under way. It was very much straitened in circumstances. The report which the Board had, in that year, presented to the Legislature, showed that the cost of the land, the College building and the President's house and out-buildings had been \$25,458 ; that the College owed \$11,408, while there was due to it \$14,169,

making a balance in its favor of the enormous sum of \$2,761! always provided that certain lands could be sold at estimated prices.

The price of tuition was \$12 a year, and the number of students appears to have been about 50, making about \$600, while the annual rents of leased lands amounted to \$1,161 52. Now \$1,750 a year was a small sum, even eighty years ago, on which to keep up the ordinary running expenses of a college of fifty students; and for all advance it would have to depend, as it had so largely depended up till that time, upon individual liberality. Under such circumstances it is no marvel that the trustees should have sought to make a closer relation with the State, in the hope that the State, taking the University under its special protection, would increase its facilities and means of growth. And it must be borne in mind that the terrors of such a connection with the State had not then been trumpeted forth as they afterwards were by the pamphleteers and orators of the Dartmouth College controversy. It cannot be supposed to have occurred to the minds of the Trustees that this principle of election, which they proposed to have changed, was "contrary to the genius of a free people". That idea was brought to life by the heat of party hostility; nor did they probably consider the principle which they surrendered as such an inestimable privilege as it was afterwards declared to be. The change did not present itself to them as being a

defeat in a controversy in which every feeling and power had been involved; and thus it did not exhibit to them the terrible features which it wore on the East side of the Connecticut River. They acceded to the change, if they did not themselves propose it; and for 18 years the trustees were elected by the ballots of the Legislature. No such grievous results followed as were foreboded in the New Hampshire case. Nor did any such large benefits accrue to the University as it had been hoped that the change would produce. The hindering influences were present, which had already turned the people of the State away from the wise recommendation of the Constitution of 1777, that there should be "one University in this State," and divided interests made divided counsels. It appeared in time that the change which had been made was not accomplishing what it was expected to do; and in 1828 the Act of 1810 was repealed and the board of trustees returned to their position and methods under the original charter; and under that they remained till the joining of the State Agricultural College with the University.

Since that union, in 1864, the system of continuing the succession of the trustees governing this Institution has been a combination of both the other systems, the trustees of the University proper electing their own successors, while the trustees representing the Agricultural College have been elected by the Legislature.

And so during the century we have had in force three systems. The present system seems to combine the advantages of both the others. By maintaining a close and vital relation between the institution and the State, it secures for public sentiment a due regard, while at the same time it ensures that stability and continuity of purpose and plan which are so necessary for the interests of the best education.

But my time, and I am afraid your patience, is exhausted. I have but a few words to add.

In the short time which has been at my command for the preparation of this discourse, my attention and study have been of necessity directed to the early history of this State; and the more I have familiarized myself with it, the higher has my admiration risen for the sagacity and determination and public spirit of the men of Vermont of a hundred years ago. Their ideas, their plans, their purposes, their wishes for Vermont, are entitled to careful consideration at the hands of every Vermonter who loves his native State, as who does not?

These centennial years should have the effect to give a newer life among the people of to-day to those feelings, born out of the necessities of defence against outside hostility, which made the men of Vermont, in 1777, choose for the motto of the State, the words "Vermont, Freedom and Unity,"—Freedom from domination forced upon the people from outside

the borders of the State, and Unity among the people within its borders.

And if, in the progress of the century which is upon us, it shall be found that the conflicts of the past century have subsided, and their tumults have died into silence; that the dividing influences have become less powerful, and unifying influences more prevailing, until the result shall be that the people of Vermont, in dealing with the great subject of education, which, as our charter says, "is necessary for the advancement of morality, virtue and happiness," have returned to the wisdom of the Fathers who adopted the Constitution of 1777, and the day shall come when there shall be "one University in this State,"—a University established upon broad foundations, embracing and caring for all interests, still furnishing to the people of this State, for their sons, an education such as has always made its home here, imbued with a reverence for the past and open to the hopes and possibilities of the future, and sensitive to the requirements of the future—an education which, to use the words of Ira Allen, while seeking to make good men, rather than great scholars, "hopes for the union of both, for that makes the man and the useful citizen"—if the day shall come when there shall be one University in this State and such an one cherished and supported by the State as it should be—that day will be a good day for this University and for the State of Vermont.

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The Founder of the University of Vermont

A Centennial Oration

on the Life and Public Services of

General Ira Allen

Delivered

Commencement Day June 29 1892

By Prof. J. E. Goodrich

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The Life and Public Services of General Ira Allen.

The early history of the New Hampshire Grants presents few incidents which cannot be paralleled in other American colonies. But from the year 1764, the date of the Order in Council transferring the district to the jurisdiction of New York, the panorama, which hitherto had unrolled itself in quiet and orderly sequence, changes to an exciting drama with rapidly shifting scenes, an intricate plot, and an uncertain issue. So serious and so hazardous are the complications in which the interests both of the nascent state and of the individual actors are involved, that the feelings of the historical onlooker are stirred with alternate hope and fear as to the outcome. There are points in the unfolding action where the case seems simply desperate, knots which human ingenuity seems incompetent to untie or to cut, obstacles which no vigor or unanimity of effort is likely to evade or to overcome.

The danger threatens now on the west, and now on the east, and then on both sides at once, and again takes the ominous shape of hostile invasion from the north; appears sometimes as intestine dissension or revolt, and again as a spirit of distrust or positive hostility in the Continental Congress. The appeal is made successively to popular argument, to diplomacy, and, these failing, to the musket and the beech seal.

To the spectator, the case seems more than once already decided against the upstart republic. The odds are too great, the enemies of the would-be State too many and too closely united, save for that magnificent courage which was invincible, because it never admitted that it was worsted, whether by logic or by arms. During the more than quarter-century of the travail which ended in the first accession to the original family of thirteen States, the political Lucina sat perversely cross-legged, if so she might possibly thwart the benign purpose of liberty and the gracious decrees of fate. ¹

Most of the prominent actors on this stage have been treated with something like justice, and have had a niche accorded them in the temple of history. The prudent soldier-ship of Warner, the firm policy of Chittenden, the solid patriotism of the Robinsons and the Fays and the Brownsons, Bradley's brilliant career and Baker's untimely death,—these

¹ The case of Vermont was saved, so to say, by the dishonesty and injustice of the New York officials. If New York land jobbers had been less greedy, if New York governors—and Lieut.-Gov. Colden in particular—had not in their hunger for fees recklessly regranted lands in disregard of the king's mandate; if the rulings of New York courts had not been in defiance of law and facts; if the administration attempted by New York had been characterized by a fair measure of justice and an occasional regard for the chartered rights of the actual settlers; if Governor Clinton had not been unreasonably obstinate,—if any of these *ifs* had been facts, the dwellers between Lake Champlain and the Connecticut would to-day be contentedly paying taxes to New York, and rejoicing in the fame and power of the Empire State.

should be familiar themes to all Vermonters who care to know their political ancestry.

Most prominent of the whole group, like a comet moving athwart a constellation, shines the fame of Ethan Allen. Impulsive and imperious, prompt in decision and in action, self-confident, courageous even to rashness, he is the best known, if not the most admired, of all the figures of those early days. Indeed his military reputation has served to obscure his undoubted merits as a defender by reason and argument of the chartered rights of the settlers on the Grants. His services as envoy and agent of the State government are by no means to be overlooked in making up his record. He struck as effective blows for the liberties of Vermont with voice and pen sometimes as with the sword. Perhaps history has awarded him his full meed of honor. The American school boy can recite his exploits, and the pilgrim's homage is challenged by column and statue rising yonder above his honored dust, but comparatively few are acquainted with the part played in the same protracted struggle by Ethan's youngest brother.

The soldier's gaudy uniform attracts all eyes. His unselfish and absolute offering of life and fortune on his country's altar compels admiration. Yet the victories of the general may be of less moment than those of the diplomatist or the statesman, albeit the latter are won in the seclusion of the cabinet or the council chamber.

And yet Ira Allen, as well as a third member of this noted brotherhood, was also a soldier. Before he was twenty he had served as a lieutenant with the Green Mountain Boys. At the age of twenty-four in 1775 he assisted Ethan Allen in taking the British garrisons on Lake Champlain, as also General Montgomery in the taking of St. Johns and Montreal. A few weeks later we find him responsible for an important movement in connection with the unsuccessful attack upon Quebec. At the date of the Dorset convention of January, 1776, Lieutenant Ira Allen was with the army before Quebec. A month later he leaves the field of arms and the open contest with Great Britain to defend the imperilled rights of the settlers on the Grants against the aggressions of New York land jobbers, and to concert plans with others for the organization of a new State. In the following July he appears in the convention at Dorset, as delegate from the town of Colchester, and is assigned a place on important committees. In the September session his name is equally prominent, being associated in responsible duties with those of Jonas Fay and Thomas Chittenden. The declaration having been passed unanimously that the territory of the New Hampshire Grants ought to be free and independent, and the covenant signed, Allen is designated as one of two commissioners to traverse the counties to the east of the mountains, and commend to the minds of the people there the advantages of a separation from

the government of New York. Of the convention held the next October at Westminster, as also of that of the January following, Captain Ira Allen was clerk, and likewise an influential member of the committee selected to propose a plan for further action.¹ And once and again in the months which followed, his ready pen was put in motion to defend the convention and the people of the district against the arguments and the aspersions of the officers and agents of New York.

The affairs, civil, military and diplomatic, of the embryotic State, were directed by the Council of Safety, which ruled the Grants with an absolute yet benign authority, and watched with a sleepless vigilance the movements of British without, and of Tories within, her borders, and was alert to anticipate or to oppose the equally unfriendly attempts of New York politicians and speculators.

The guiding minds in this council were undoubtedly Thomas Chittenden, nineteen times elected pilot of the newly launched ship of state, and Ira Allen. To estimate the

¹The intense earnestness which characterized these builders of a new State is very impressively exhibited by a mere list of the dates of their conventions previous to the adoption of the constitution. There were three conventions at Dorset beginning respectively January 16, July 21, and September 25, 1776; two at Westminster, October 30, 1776, and January 15, 1777; two at Windsor, June 4 and July 2, 1777. Five conventions within one year! In the five years, 1778-82, the assembly held fifteen sessions. New York was allowed to gain nothing by virtue of their inaction.

responsibility resting on these two men, we must recollect that Remember Baker's promising career had been suddenly closed by an untimely death, that Ethan Allen was at this time a captive in England, and that Seth Warner and Robert Cochran were serving with the continental army until the close of the Revolutionary war.

Chittenden was resolute, undaunted, a very rock for firmness, a tower of strength for his practical wisdom, qualities which were admirably reinforced by the foresight, the political sagacity, the fertility of resource, of his principal coadjutor.

An incident in the campaign of 1777 may be cited as indicative of the man's quality and influence with the Council. The evacuation of Ticonderoga by the American forces on the sixth day of July had spread consternation throughout New England, and especially through the Grants, which lay directly in the track of the invading army. The Vermont Council of Safety had hastened from Windsor, where, during the progress of that providential thunderstorm, the convention had just adopted the constitution "paragraph by paragraph," to Manchester, that they might take instant and appropriate measures for the defence of the frontier. The council assumed that the American generals had, of course, already sent off expresses to the authorities of Massachusetts and New Hampshire for immediate assistance.

Allen could not accept this view of the case. In this

emergency an hour's delay might bring irretrievable disaster. These same generals, he knew by his own personal observation when an envoy of the State the month before to the general in command at Ticonderoga, had been strangely, if not culpably, careless in regard to precautions against the enemy, and they might have been equally negligent in the present juncture. He withdrew from the council, wrote despatches to the governors of the states named, signed them as Secretary of the Council of State, prepared expresses, advanced money for their necessary expenses, and, this done, showed his letters, and prevailed on the council to authorize their transmission in its name. They proved to be the first official communications received by the authorities of these states.¹

We all know the sequel. New Hampshire roused herself to meet the peril. Stark and his men gathered at Number Four² and made their forced march to Manchester. A few days later the battle of Bennington had been fought and won under the general and by the aid of the forces which Allen's missive had summoned.

It is due to Allen's memory to say further that the information obtained by him, and the counsel given by him to Stark, caused Stark to anticipate the engagement by one day,

¹ The letter to the governor of New Hampshire, and his reply, may be seen in Slade's Vermont State Papers, 79, 80.

² Now Charlestown, N. H.

and attack Baum just before he was to be reinforced by 1500 men. It is idle to conjecture what would have been the issue, but for the timely action of the secretary of the council and his sagacious advice, or if both Stark and the council had not disregarded Schuyler's peremptory orders to have the troops proceed with all haste to Saratoga. This was the first break in a long series of disasters, which began with the fall of Montgomery eight months before.

It is enough to know that the victory at Bennington re-kindled in the continental army and in the whole country the hope and courage so nearly quenched by repeated reverses;—that it contributed directly to the surrender of Burgoyne a few weeks later at Saratoga; and that this surrender paved the way to that alliance with France (February, 1778) which went so far to turn the scales at last in favor of the revolted colonies—and further, to remember that this series of momentous consequences connects itself at two critical points with the quick decision of that young secretary of the Council of Safety who would leave nothing to uncertainty and delay.

The truth of history requires us to connect the name of Ira Allen with another operation which contributed to the surrender at Saratoga. The bold attempt about a month after Baum's defeat, and a month before Burgoyne's capitulation, to cut the British line of communication with Canada, also originated with the Vermont Council of Safety. The secretary

of the council does not hesitate to claim his share in the credit to be given for the taking of Mount Hope and Mount Defiance and the posts on Lake George, the liberation of the American prisoners taken at Hubbardton, and the capture of three hundred of the enemy. This movement alarmed the British at Saratoga and set them to intrenching. The project carried into effect by the hands of Colonels Brown and Warner and Captain Ebenezer Allen, had been entertained first by the agile brain of Ira Allen and accepted by the soldiership of General Lincoln.

One of the most serious difficulties confronting the infant State was the utter lack of one of the two main sinews of war. Gold they had none, nor could they devise any means to obtain it. The Council had not a shilling of public money, no credit, no power to lay or collect taxes, and were not personally able to advance any large sums from their private purses. For a whole day they discussed the situation, but found no light. Just before adjournment a member of the council moved, apparently with a touch of sarcasm, "that Mr. Ira Allen, the youngest member of the council, who insisted on raising a regiment while the majority were for only two companies of 60 men each, might be requested to discover ways and means to support a regiment, and to make his report at sunrise on the morrow." When the council convened the next morning, his scheme was ready. He proposed the ap-

pointment of commissioners of sequestration, the seizure and sale at auction of the goods and chattels of all who had [joined] or should join the common enemy, and the payment of the proceeds to the treasurer of the Council of Safety. His measure was adopted by the council and the regimental officers appointed. The effect was instantaneous. The government was at once possessed of all the funds it needed. Bounties were offered and paid at the expense of the enemies of the State of Vermont and of the United States. In a fortnight Vermont had a full regiment of rangers ready to protect the imperilled homes of the young republic. From this time till the close of the war there was no more stringency in the State treasury.¹ It was the resourceful brain of Ira Allen which first in the United States resorted to confiscation of the tories' estates to fill an empty or exhausted treasury.

No son of Vermont can read without mingled amazement and indignation the detailed history of those perilous years. Congress and its agents were swayed by the councils of New York. No provision was made for guarding the borders of the State. The military frontier was so drawn as to protect Albany, and cover the settlements along the Hudson, leaving

¹ When Ira Allen's accounts as State treasurer were audited in February, 1787, it was shown that, out of a total revenue from March, 1777, to October, 1786, of £327,987, the sum of £190,433 had been received from confiscated property, as against £66,815 for grants of land, and £45,948 from taxes.

Vermont without defence from invasion. Not a gun was left to the Green Mountain Boys, not a pick or spade, of all the munitions of war which their valor had taken at Ticonderoga and Crown Point. Their sole reward for acts of heroism and unfaltering loyalty to the common cause, was desertion and neglect. The more northerly settlements had been abandoned in the spring of 1776. Two years later it was a serious question whether there should not be a general exodus from all the western half of the district to places within the lines of the continental army. In the beginning of 1780 the dismemberment of Vermont seemed to be foredoomed. New York claimed everything up to the west bank of the Connecticut. New Hampshire saw her opportunity, and pressed her claim to so much of the district as lay to the east of the central range of mountains. Massachusetts, disinclined to be a mere onlooker if the friendless would-be State was to be partitioned, revived her ancient claim to a large section on the south. A British army, 10,000 strong, was hovering on the Canadian border. Escape from so many and so powerful foes seems an impossibility.

But Vermont was no lamb in the midst of wolves, no maiden frightened into helplessness by the dragons that on all sides wait to devour. How to make reprisals, how to confound the plots of those who were confederated against her, is the sole study of her leading spirits. Again the fertile

brain of the secretary evolves a scheme to cope with the emergency.¹ The New Hampshire Grants assume the aggressive, and the so-called East and West Unions are organized. Twelve districts to the west of the Grants are detached from New York and welded to Vermont by their own deliberate action in convention. New Hampshire is weakened by the voluntary secession of 35 towns which have resolved to cast in their fortunes with the outlaws of the Green Mountains. The political pot is in furious ebullition by reason of this organized revolt of towns which had hitherto been outside the despised and persecuted, but defiant, republic. The war had been pushed into Africa, and with the desired result. Vermont asserted her claim to all the territory from Mason's line (which, it will be remembered, was drawn at a distance of but sixty miles from the sea) to the Hudson river. Her domain was doubled. Internal disaffection was silenced, and friends outside were emboldened to aid her now hopeful cause. The

¹ This may have been too positively stated. In a centennial address at Salisbury, Conn., in 1841, Chief Justice Samuel Church said, referring to the East and West Unions and the Haldimand negotiations: "In her dilemma, Vermont's most sagacious men resorted to the councils of her old friends of Litchfield county, and it is said that her final course was shaped, and her designs accomplished, by the advice of a confidential council assembled at the house of [brigadier general, afterward] Governor [Oliver] Wolcott, in the village of Litchfield." It will be remembered that the Allens, Chittendens, Chipmans, Galushas, Skinner, and other men of prominence in the early days of Vermont, came from Litchfield county, Conn. *Gov. and Council of Vt.* II. 133.

new accessions were enthusiastic over their change of allegiance. It is true, these Unions lasted less than a year. While Allen was absent on an important mission to the Continental Congress, the legislature, in the hope of obtaining immediate admission to Congress by following its rather imperative advice, dissolved both Unions with a haste which was not approved by the projector of this countercheck to the encroachments of Vermont's greedy and selfish neighbors. This bit of political strategy had however accomplished the chief object of its author. It had compelled the respect of the contiguous States, and raised the struggling commonwealth to a vantage ground which it never lost. It was a significant step in the difficult advance toward a position of recognized autonomy.

Naturally enough, this annexation of territory, though effected by peaceful means, was promptly confronted on either border by menaces of war. New York marched 500 men into the disputed territory, who were resolutely faced by as many Vermonters, both parties waiting only for the word that should begin a civil war. Allen was sent to negotiate between the two armies and restore peace if possible. His best endeavors proving fruitless, he gained a promise from the Vermont commander to await further orders from the council, whereupon, in accordance with his advice, an additional army of 500 mounted men with field pieces appears suddenly on the

field to reinforce the Vermonters, and the New York general deems it prudent to retire, honor safe and no blood spilled.

A like critical condition of affairs upon the eastern border was met and obviated by the vigor of Chittenden aided by the adroit management of Allen. Time forbids however a recital of the more indirect, but not less clever, expedients by which the threatened collision was obviated. For ticklish and doubtful emergencies Ira Allen seems always to have been the council's, and the governor's, most trusted agent.

Far the most important however of the diplomatic missions intrusted to him, and the one fraught with the largest results to Vermont and to the United States, is still to be named.

The isolated condition of the State, the hostility of her neighbors both on the east and west, the contempt with which the Continental Congress had treated her claims to statehood, the serious disaffection within her own borders ; these, in combination with the daring and independent spirit which the Grants had always exhibited, and especially of late in establishing the East and West Unions, inspired a hope in the agents of Great Britain that the " Bennington mob " and their adherents might be detached from the league of the colonies, and so Vermont, recovered to her allegiance, form an important stepping-stone to the reconquest of the insurgent states. Once ranged on the side of the mother country, these Ver-

monsters, whom Burgoyne—and he had occasion to know—had styled “the most active and most rebellious race on the continent,” would be powerful allies of the king and a terror to the rebels.

The state of feeling in the Grants was well known to the British generals through their spies, both in the district and in Congress. If King George was disliked, New York was hated. Every blow struck by Vermonters for the general enfranchisement had served but to hasten the day when the slavery against which for ten years they had contended should be riveted upon them. Great Britain was a distant enemy, and besides, there was in the minds of no inconsiderable fraction of the inhabitants a strong affection for the land of their fathers. Life would still be endurable if the sway of the mother country should be reëstablished. Her rule took on a mild and maternal aspect, when compared with the exactions, robberies and insults caused or countenanced by the government of the Province and the State of New York.

As Allen put the matter in his first interview with the British commissioners:—“He should not deny but principle inclined him and Vermont in general for the success of America, but interest and self-preservation (if Congress continued to oppress them) more strongly inclined them to wish for the success of Great Britain, and to fight like devils against their oppressors, be they who they might.”

Ethan Allen had been sounded on the matter in the summer of 1780, and in a letter to the Continental Congress soon after, he had frankly declared: "That Vermont had an indubitable right to agree on terms of a cessation of hostilities with Great Britain, if the United States persisted in rejecting her application for a union with them." Plainly, as Allen says, the Vermonters could not be expected to defend the independence of the United States, while at the same time the United States had full liberty to block and ruin the independence of Vermont.

Negotiations were at once opened with the British authorities, ostensibly to arrange an exchange of prisoners. The chief agent in the exploiting of this scheme was Colonel Ira Allen, assisted by Major Joseph Fay, though Ethan Allen, and later a few others, were associated with them in the responsibility.

After a few days' conference with the British commissioners on Lake Champlain, to the surprise and mystification of everybody except the few in the secret, the British forces retired to winter quarters in Canada, and the Vermont militia as quietly returned to their firesides. This, however, was but a temporary truce. In April of 1781, the British had a force of 10,000 men in Canada, ready to descend upon the frontiers. Vermont was utterly at their mercy. How could she meet the exigency? Jealousies had already been aroused by the

truce of the previous year, and the spies both of Congress and of the British were everywhere. To avoid suspicion, it was resolved to send but a single commissioner on this delicate and dangerous enterprise, and Ira Allen was the man selected.

His departure having been delayed for some days for reasons personal and political, Governor Chittenden, General Ethan Allen, and others, were so impressed with the unlikelihood of success, and the great hazard attending the venture, that, indispensable though it seemed to the safety, nay, to the very being of the State, they advised and entreated him to abandon the project. All concerned were in peril—governor, councilors, and particularly their emissary,—should any proof of such treasonable negotiations fall into the hands of the spies of New York, New Hampshire, or the American Congress. Both property and life were at stake.

Three times after he had mounted his horse on that critical first of May did Ethan Allen, anxious for his brother's safety, and mindful of his own sufferings in prison, detain him for further converse. The intrepid Ethan, reckless of personal peril, quailed at the thought of the risks which Ira was now to face. Ira Allen was firm against both doubts and fears. By this effort only was it possible to save the existence of the State. It was the sole remaining means of averting impending ruin. He had faith that he could find some means to accomplish the business intrusted to him. He assured his

friends that he was not afraid of present danger from the British, the United States, or the violence of parties in Vermont. He feared rather, as he said, that in case of success, of which he had no doubt, the British government would never forget nor forgive him ; that all his life this powerful and intriguing nation would be against him ; but, as the commissioner of a sovereign, free and independent State, he would assume all risks in a firm resolve so to conduct the business that no just cause of complaint could ever arise. So, facing an uncertainty and a danger which dismayed even the hero of Ticonderoga, he began his journey to the British camp.

After private conferences lasting through 17 days, a cartel was arranged and an armistice verbally agreed upon. But no pressure could induce the wary minister of Vermont to set down in writing the terms on which Vermont was to become the favored colony of the crown, though he averred that the people of the State were weary of the war and would sooner submit to the king, than to the State of New York. As Governor Chittenden adroitly puts the case in a letter¹ to Washington in the following November, "Colonel Allen, while negotiating the exchange of prisoners, was treated with great politeness, and entertained with political matters, which necessity obliged him to humor in that easy manner that

¹ From the pen of Ira Allen, if one may judge by internal evidence.

might serve the interests of this State in its extreme critical situation."

This was in May. The General Assembly met in June, and the air was rife with rumors, and the legislators beset with spies from either side of the line. But all to no purpose. The legislature was as much in the dark as the rest of the world. An investigation of the matter was ordered. Governor Chittenden gravely admitted the arrangement for an exchange of prisoners, and referred the House to Allen for further explanation. So dexterous, so apparently unreserved, was his statement, that everybody was satisfied, legislature, council, people, and spies of all parties, and yet the momentous secret was not betrayed.¹

Nor was this the only occasion on which the address and imperturbability of the Vermont plenipotentiary saved this

¹ There seems to have been one exception to the general fidelity of those who were privy to these negotiations. Writing in 1807, Allen says: "When his excellency Isaac Tichenor Esquire was brigade Major in 1781, he was confidentially by his General led into the private negotiations with the British in Canada; but he, Judas like, betrayed the secrets intrusted to him by the commandant of the troops of Vermont, in Castleton." And he significantly adds: "Surely there are sufficient men of candor and ability, to fill every office in the State of Vermont." Tichenor was at this time a candidate for the highest office in the State.

Tichenor was governor 1797-1806, and again in 1808, thrice U. S. senator, and five years judge of the Supreme Court. That Allen had no confidence in Tichenor appears elsewhere.

difficult and dangerous negotiation from premature disclosure and wreck.

The charge of treason to the cause of the colonies was afterward so often brought against all concerned in these transactions that Governor Hall finds occasion again and again ¹ to defend even Governor Chittenden and other members of the Council of Safety from the suspicion of unpatriotic designs. It was indeed a desperate game to play. But Vermont was in peril of annihilation. The issue proved that both the measure and the man were matched to the emergency. Neither bribery nor intimidation—and both were attempted—availed to divert him from his aim. The threatened invasion was prevented, and the day indefinitely postponed when Vermont was to fall a prey to one or all of her enemies.

Now what were the results of this diplomacy? Not Vermont only, but the whole frontier was for two years saved from the horrors of invasion. One-third of all the British troops in North America were kept inactive and the concentration of their forces was prevented. Washington was able to cope with the armies operating in the more southern states, and ere long the surrender of Cornwallis made it unnecessary longer to match diplomacy against a well-equipped and formidable army. One life only was lost in the two years' con-

¹ In his *Early History of Vermont*.

test with the agents of King George, a contest maintained by Governor Chittenden and his trusted advisers, and engineered by the wisdom and the wit of Allen. Yet its far-reaching consequences may be traced in the decisive battle of Yorktown and the peace of 1783.

I have not attempted to make in the hour assigned me a full exhibition of the services rendered to the beleaguered and struggling State by our distinguished founder. Suffice it to say, by way of partial catalogue, that he was thrice deputed as special commissioner from Vermont to New Hampshire to compose the serious difficulties which had arisen between the two states; that he was sent on like errands to the states of New Jersey, Pennsylvania, Delaware and Maryland to present before each the claims of Vermont to freedom and statehood; that he was twice delegated to press upon Congress the admission of Vermont as an equal member of the sisterhood of states; and that on one of these occasions he with Stephen R. Bradley drew up that dignified remonstrance in which they declined to be mere spectators at an *ex parte* adjudication of their cause, involving as it did, the very life of the State, and thereupon withdrew, with an "appeal to God and the world for the awful consequences that might ensue" if the controversy were attempted to be settled by Congress in the manner and upon the terms insisted on by New York. Was it desired to proclaim to New York and New Hampshire the invincible

determination of the Green Mountain boys never to relinquish their rights as self-governing freemen? It is the pen of Ira Allen which formulates their declaration of rights, and their declaration of independence as well.¹

For the nine years ending with 1786 the Council of Safety was guided by his alert and provident counsels more than by those of any other mind.

Eight times between 1783 and 1794 he was chosen Representative to the General Assembly from Colchester, and in 1791 was a member of the Constitutional Convention.

For eight years, 1778-85, he was the Treasurer of the commonwealth, whose coffers were punctually replenished by methods of his own devising.

¹ In the account book of Ira Allen as treasurer of the state occur these items among others of similar import :

1777, Jan'y 17th.	To 9 days, part at Westminster, in assisting to write a declaration for a State, and other pieces for the Hartford papers.....	4 1 00
1777, Nov. 2.	To 15 days going from Salisbury to Williamstown and there with President Chittenden writing the Preamble to the Constitution, &c. from there to Bennington to confer with the Council respecting s'd Preamble—assisting to complete compiling from manuscript, the Constitution of the State.....	7 10 0
	Expense money.....	3 2 8
1778, Oct. 23.	To 2 days at Windsor drawing a plan for a State seal and getting Mr. R. Dean to make it 10s1	0 0
1778, Dec. 25.	To 18 days assisting to revise Vt. Appeal wrote by S. R. Bradley Esq. &c.....	9 16 0

In 1778 he was appointed Surveyor-general of the State and administered the office till 1787. The original book of charters had been carried to England by Governor Wentworth, but Allen was so far successful in collecting and recording the charters, that new grants of land could be made in 1780 without interference with previous grants or with each other, a measure deemed of special importance at that time for reasons both financial and political. In the same capacity he conducted surveys and opened roads to facilitate settlement and transportation of stores.¹

When in 1790 New York had honorably yielded her claim to jurisdiction, Allen was one of seven commissioners on the part of Vermont to determine the boundary line between the two states. The line, as it was then settled and has ever since remained, was adjusted in exact accord with Allen's own proposition to Congress several years before.

Allen must be credited also with proposing the terms on which the long pending land controversy was at last satisfactorily settled. All New York titles were to become null and void upon the payment by Vermont of the small sum of \$30,000 into the treasury of New York for the benefit of individual claimants,—a measure by which nearly 5,000,000

¹ His account rendered in 1788 shows an expenditure for surveys of £3018.96. There is a separate account for cutting roads in twenty-nine towns.

acres were freed from the delays, the dangers and the expense of protracted lawsuits.

In an act passed by the General Assembly in 1785, Allen is somewhat magniloquently but truthfully described as "agent and delegate to Congress, ambassador to sundry of the different States of America, and special commissioner to the Province of Quebec,"—titles which lose their strangeness when we remind ourselves that for fourteen years Vermont existed as an independent and sovereign state, owning and owing fealty to no man or nation on earth, and that this unique position among American states was due to no other man in so large degree as to him whom we seek to honor to-day.¹

A few details of a more personal nature will be of interest at least to the dwellers in this region. Ira Allen was twenty-two years old, when with his cousin Remember Baker and five others he set out in the fall of 1772 from Skeensborough, now Whitehall, to explore the country lying about the Onion river. Three or four days' hard rowing brought them to the foot of the lower fall at Winooski. Here they found proof that a surveying party from New York had got the start of them. The two men whom they found were

¹ It is a tradition in the Chittenden family that Governor Thomas Chittenden thought Ira Allen had done more good work for the new State than any other two men.

promptly made prisoners, and their boat seized. The next morning two other boats came up the river with six white men and thirteen armed Indians. A fight seemed imminent, but by a happy combination of daring and diplomacy the Indians were made to see that they had no interest in the quarrel, and the New Yorkers surrendered at discretion, and were allowed to depart after a pledge never to enter the region again. His explorations completed, and his supplies reduced to but a single dinner for the party, Allen with four companions crossed the wilderness to Pittsford, seventy miles away, arriving on the fourth day, well-nigh exhausted.

The next spring Allen and Baker returned to the Falls, the latter bringing his family. Their first step was to construct a fort on the north bank of the river, a few rods east of the present iron bridge, on an eminence now mostly washed away. Fort Frederick was built of hewn timbers, two stories high, with 32 portholes in the upper story, and well supplied with the means of defence against the Yorkers, should they molest them. A surveying party from New York was discovered that summer at work farther up the river. Allen with three men from the fort went in pursuit of them, but they escaped in safety, never to venture again into so dangerous a locality. This year the Onion River Company, as they styled themselves, effected an overland connection with the more southern settlements by cutting a road through the forest

from Fort Frederick to Castleton, some seventy miles. Clearings and settlements were made in the vicinity of the fort, but in the spring of 1776, in consequence of military reverses in Canada, the defenceless state of the frontier, and the actual attacks of the Indian allies of the British, this and all the new settlements in this region were suddenly abandoned.

Seven years after, when peace had crowned the struggle for American independence, while that for the independence of Vermont had still eight weary years to run,¹ the fugitives of 1776 returned to their holdings about the Onion river. Allen built a dam at the Falls, two sawmills,² one on either bank, a grist mill, two forges with a furnace, where iron ore was converted into millirons, forge hammers and anchors, maintained a ferry above the dam and built a schooner on the river below, and in various directions greatly stimulated the settlement and development of the region.³

¹ In 1777, a report by a committee of which Allen was a member, styles this "the troublesome and aged conflict."

² In 1795 he had seven sawmills in operation on his lands, and owned 10,000 acres covered with pine.

³ Allen's house stood to the east of the road which crosses the bridge, nearly on the site now covered by Winooski block, and Madame Allen's garden, which lay to the east of the mansion and extended down to the river, was a "paradise of fruits and flowers." At this house in 1785 sat the first county court ever held in this county. Mrs. Allen was the daughter of General Roger Enos, and her husband's wedding gift at her marriage had been the township of Irasburgh, 23,000 acres of land, which after his death became a means of support to his family, and later, the source of his son's wealth.

Allen early saw the advantages to Vermont of free commercial intercourse with Canada. The St. Lawrence, the Sorelle and Lake Champlain offered almost unimpeded water communication with Europe, and promised at no great expense to make good to the State the lack of a seaport. A ship canal of moderate cost would enable ocean vessels to unload their cargoes at the wharves in Burlington and at other harbors on Lake Champlain.¹ Not only would Allen's landed estate, lying mostly along the lake, of over 200,000 acres, be largely enhanced in value thereby, but the whole western half of the State would find a better market for its products, and pay less for foreign goods, by utilizing Lake Champlain as a commercial thoroughfare.

In the capacity of diplomatic agent, or minister, of the then independent republic of Vermont, Allen had opened negotiations with Canada, with a view to direct trade, immediately after the peace of 1783.

In 1795 he sailed for England to obtain, among other objects, both the authorization and the aid of the British government in constructing the proposed canal. But his efforts proved unavailing, as the finances of England were at this time heavily burdened by the war with France. The project

¹ This project was revived and pushed with some local enthusiasm, as many will remember, some years ago, under the name of the Caghawaga canal.

was never relinquished by Allen, however, being urged by him in every hopeful quarter by tongue and pen for full thirty years.

He had another object in going abroad, partly commercial and partly patriotic. He was the ranking major general of the State, and the militia were but indifferently accoutred and equipped. General Allen declared that he would never review the troops again unless they could be properly armed and uniformed. So he obtained from Governor Chittenden a commission under the seal of the State to purchase abroad such guns and military supplies as were deemed necessary.¹ After some overtures to parties in London, he finally closed a contract, on better terms than could be had in England, with the French government for 20,000 stands of arms and an equal number of bayonets and twenty-four four-pound field pieces, most of which were shipped at Ostend on board a neutral ship named the Olive Branch for New York city. These supplies of war were intended for the militia of Vermont and

¹ In 1794 there had been some fear of an outbreak of hostilities between Great Britain and the United States. The Legislature of Vermont had repeatedly before this date had the arming of the militia under consideration. In the year named Governor Chittenden made several attempts to obtain arms, both by purchase and by loan from the United States arsenals, but without success. Washington made a requisition on the States for troops May 19, 1794, and on June 21 "Governor Chittenden had ordered 2,139 Vermont militia, to be organized, armed, equipped, and held in readiness to march at a moment's warning."

northern New York, and were to be disposed of directly to the citizen soldiers, who were responsible to the State for their military outfit.

Here begins a chapter of losses and misfortunes which ends only with the life of Allen. The Olive Branch with Allen on board was seized by a British cruiser to the west of Ireland and taken into port as a lawful prize. Under the rulings of a judge who cannot be charged with impartiality or even courtesy, the case dragged its slow way through the Court of Admiralty, the Court of Appeal, and the Court of King's Bench, and received final adjudication only in 1804, in spite of all the means employed by Allen to hasten a decision. Not even his fertility in expedients could avail against the prejudice and obstinacy of the old admiralty judge. Unfortunately England was at this time apprehensive of a revolt in Ireland, and had been somewhat disturbed by actual insurrection in the province of Quebec. No proof was ever attempted on the plaintiff's side of intent on Allen's part to aid the enemies of England, yet his demand for the restoration of his property was unheeded in spite of treaties, in spite of superabundant testimony, the efforts of eminent counsel, of whom Erskine¹ was one, and the interference of the American minister. In the course of the long conflict Allen was imprisoned both in London and in Paris,—six months in the latter

¹ Afterward Lord Erskine.

place, although no information was ever lodged against him. It would take too long to tell the story of the privation and abuse and indignity to which he was here subjected; of the attempt upon his life, as he believed; of his sudden release without the shadow of a trial, although he vehemently demanded a trial under the constitution and laws of France. Finally, after considerable delay and much annoyance, seeing no hope of justice on either side the channel, in 1801 he broke away from France and returned to America.

But on his return to his beloved Vermont he found intrigue and greed had made use of the forms of law to dispossess him of his large estate and other valuable properties estimated to be worth more than \$1,000,000. The titles to nearly 300,000 acres of valuable land, lying between Ferrisburgh and the Canada line, partly his own and partly held by him for his brothers' heirs, had passed into alien hands by the operation of the tax laws.¹ Vexatious suits were begun against him, and counter suits instituted, but the conspiracy—for such he always insisted it was, a conspiracy not unconnected with his diplomatic successes of revolutionary days, but reinforced by the malice and the avarice of those whom he had

¹ In 1795 Allen held legal titles in his own right to a great part of eleven townships (besides large tracts in other towns). On these had been erected seven sawmills, three corn-mills, iron foundries, houses, etc. In 1801, scarcely an acre could be found which had not been rendered unsalable by "new patched up titles."

opposed in the course of his harassing admiralty suits ; by the jealousies and hatred of rivals or opponents in the long conflict with New York ; as also by the selfish greed of mean souls who saw an easy way to wealth by buying at the constable's sale the titles of an absent citizen,—the conspiracy proved too strong for him, and he finally retired from the lands which he had held by an undisputed title in 1795, and from the State¹ whose foundation no man had done more to

¹ Allen escaped from "Burlington prison" on a Sunday evening in [April ?] 1803, just as the ice had disappeared in Lake Champlain, went by boat to the head of Lake George, where he "purchased a horse, and took a long journey for his health." "It was certain death to remain there," he says, referring to the jail, "nor have I yet regained my health, although for much time constantly in the use of medical aid,"—so he writes in 1810. He returned to Burlington in January, 1804. In October of the same year he attended the sessions of the Legislature at Rutland for eighteen days, and attempted to get his case and his claims before the assembly. His petition for a year's exemption from arrest in civil suits was refused, though at this same session like immunity was granted to three other persons for three, four, and five years respectively. Later in the session, a resolution was introduced for a bill "authorizing Ira Allen, Esq., to apply to the President of the United States, to hire Gun-boat No. 1. of the American navy, for the purpose of importing arms for the use of the militia composing the alarm list of this State." This bit of sarcasm—for such it appears to be—indicates the temper of the house toward Allen.

The marshall with his posse surrounded his hotel to arrest him in the gray of a Monday morning, only to find in the afternoon, after much search, that he was really gone ! He had exchanged his trunk for saddle bags, and, "his business requiring haste," ridden to Poultney, where he spent Monday with his "old friends, the Heroes of 1775," and

establish, to a community which even then had got beyond the barbarism of imprisonment for debt, the very State indeed whose constitution Vermont had twenty-five years before taken for her model. Had Vermont copied also Pennsylvania's legislation in regard to the collection of debts, she might have saved herself from what seems to me the darkest page in her history.

It is pathetic to read the exile's calm, earnest, manly appeals from his safe harbor in Philadelphia, that for the space of three years he be granted immunity from the operation of the merciless laws alluded to, in order that he might by just process of law come by his own again, or by bargain and compromise recover some portion of the property which had been wrested from him. I do not find that either governor or Legislature ever responded to these appeals, backed as they were by arguments of which chapter after chapter in the history of the State were the unimpeachable confirmation. Allen's theory of a conspiracy is the only one which explains this mysterious injustice and ingratitude. It was the day of Allen's enemies, of whom there were many, and of tax titles,

on Tuesday took the turnpike for Troy, in order to put the line of the State of New York between him and the "law conjurers of Vermont."

October 18, 1810, a petition of Ira Allen for an act of suspension was read in the House and referred to the committee of insolvency, in which reference the Council concurred. I find no record of any action upon it. The committee seems to have taken the responsibility of suppressing the petition.

the law in regard to which had been changed, evidently with a purpose, after Allen had sailed for Europe. The unscrupulous avarice which stole his princely domain, and held it against him by such terms of statute law, in utter disregard of equity, may have found means to blind, or to control, a legislature.

Nor does it afford much consolation to know that Seth Warner, that stalwart soldier and patriot, was in like manner, while risking his life for the liberties of Vermont, cheated out of all his holdings by the same easy process of bidding off tax titles. Thus creatures with the souls of camp sutlers and renegades, under protection of the Legislature and the courts, robbed of their estates the very men whose unselfish devotion had made the State of Vermont, first a hope and a possibility, and then a solid fact.

I find record of one man who was granted freedom from arrest for five years, and of another who was given the same immunity for life; but for Ira Allen, I do not discover that any personal friend, or grateful son of the Green Mountain State, so much as suggested in the General Assembly the granting of a like privilege. It is true however that one year's exemption from arrest and imprisonment for most suits of a civil nature, had been voted by the Legislature of 1801.

The dignified, respectful, solidly reasoned appeals which I have mentioned, as well as Allen's narrative in his own

History of Vermont of such transactions as he was immediately concerned in, recalls a saying of Tacitus respecting certain worthies of Rome's republican days, who had left behind them accounts of their own share in the movements of their time. "Such writing revealed," says the Roman historian,¹ "neither presumption nor arrogance, but rather a just confidence in the integrity of their own character." The letters and other autobiographical writings of Allen testify everywhere to an honest faith in himself, and challenge from the impartial reader a generous recognition of his honorable purpose and of the value of his labors.²

Judge Chipman, contrasting the characters of Ethan Allen and Warner, says: "It is evident they were far more effective and more useful in defending the New Hampshire Grants than they would have been had they both been Allens or both Warners," and deems it not extravagant to add that

¹ *Vita Agricolae*, 1.

² Governor Hall, in his *Early History of Vermont*, criticises Allen for dependence in his history on the earlier work of Dr. Williams. It is quite likely that Allen had with him in London a copy of the first edition of Williams' history, which appeared the year before Allen went to England. Else he would have had to rely almost solely on his memory for both facts and dates. The real dependence seems to be of Dr. Williams on Ira Allen throughout the whole political section of his work. Allen's history, albeit not without slight lapses from perfect accuracy, is a vigorous defence of both the State and himself against bitter and unfounded aspersion. By a candid statement of facts he vindicates both Vermont and himself in the view of all who were amenable to reason.

“had either been wanting, the independence of Vermont might not have been achieved.”

A calm survey of the multiform and critical offices discharged by Ira Allen will warrant the statement, that but for his shrewd political strategy, his insight into the characters and schemes of the men he had to deal with, and his forecast of the probable issues of every movement on the political chess board, his resourcefulness and his reticence, the more open and prominent parts of Ethan Allen and Warner and Chittenden might have been played in vain. Providence might indeed have raised up some other man to act the rôle taken by him, but he alone of the men of that day seems to have been fully qualified for its function. The written or the spoken word not seldom weighs more than the sword. The strategy of the cabinet prepares the way for the strategy of the field, or gathers up and conserves its victories.

The founding of the University of Vermont was but an incident, albeit a most important one, in Allen's contribution toward the building of the State. His sagacious mind clearly discerned the true relations between education on the one hand, and patriotism and politics on the other. A complete intellectual independence would tend to strengthen and consolidate that moral and political independence which should characterize a self-governing community. The proposal of the Dartmouth authorities, on consideration of certain

grants of land, to supply free collegiate instruction, and superintend the academies throughout Vermont, though well-meant and honorable, still left something to be desired. Vermont was dependent, and in a sense tributary, so long as her sons were obliged temporarily to expatriate themselves to obtain a well-rounded education. Such dependence upon outside aid touched the sense of manly self-respect, that central virtue in which loyalty and patriotism must be rooted, if they are to abide. That provision in the first constitution for "one grammar school in each county, and one university in the State, to be established by the direction of the General Assembly," probably came from the hand of Ira Allen,¹ though the only thing certainly known about it is, that he put in a claim for his services in drawing up the document as it was submitted to the convention. And this was one of the most significant additions to their model in the constitution of Pennsylvania.

Allen's connection with the University was so fully set forth in Mr. Benedict's oration one year ago as to make it superfluous to speak of it in detail to-day. It was his offer in 1789 of £4000, twice larger than the munificent offer of Elijah

¹ In an "Address to the Inhabitants of the State of Vermont," November, 1778, Allen writes thus:—"There is ample provision made [in the Constitution of this State] for the propagation of the Gospel, together with proper Seminaries and Schools of learning, which are among the greatest blessings God in his wisdom ever bestowed on the fallen race of man."

Paine, which determined its location at Burlington in 1791. The reasons he presented for the location—the distance from Dartmouth college, and the proximity to the Province of Quebec and the northern portion of New York, were abundantly justified in the earlier history of the institution. An inspection of its catalogues will show that before the founding of McGill and Cornell universities, it drew a good proportion of its students from the farther shore of Lake Champlain and from beyond the Canadian border. Harvard college rests upon an original appropriation by the colony of but £400, and its name is a magnificent monument to the man by whose will it received some £800 and a small library. Two years after the University was chartered, Allen offered an additional gift of 1500 acres of land, if the Legislature would allow the name of the institution to be changed. Again, in 1795, he proposed to bestow another £1000 in lands on specified conditions, and £1000 more in books and apparatus, in case the University should be called by his name. This proposition did not meet with favor in the Legislature, probably on account of certain conditions attached to the gift, though for such christening of the institution there were precedents enough in New England. Williams college had been so named but two years before.¹

¹In January, 1792, Ira Allen sent a memorial to the Governor and Legislature of New York, asking for the grant of a township ten miles square in Clinton County on these grounds : that the University of Ver-

Allen selected as a location for the future University a lot of 50 acres, one of the sightliest in all the Champlain Valley. Portions of it were alienated in the early days from time to time for reasons which one can recall only with mingled sorrow and indignation, until only an acre and a half remained.¹

One of the reasons which in 1797 Allen urges for the speedy determination of his suit before the Admiralty Court, was his desire to "erect public buildings for the University of Vermont," the materials for which he had already caused to

¹ It may not be generally known that if the College were again to recover her original domain, she would be possessed of a large section of the park, and of some of the dwellings and gardens to the west of it.

mont, "established on the East Bank of Lake Champlain" would be "equally Convenient to the Northern Part of the State of New York as to Vermont ;" that previous to establishing a university of her own, Vermont had "granted a township to the Corporation of Dartmouth college situated on the East Bank of Connecticut River ;" and that the Legislature of Vermont, having granted their own lands, have it not in their power to grant a township to their own University ; that [taken] "from the width and extent of the government of New York, one township will scarcely be persieved, but when added to the funds of this Infant Institution may make it so respectable that children yet Unborn will Bless the Donors."

Allen's petition was reinforced by another, dated Rutland, November 7, 1792, signed by Thomas Chittenden, President, in behalf of the corporation of the University. The request was presented and favorably reported on, but action was deferred until the following session of the Legislature. I have not learned what disposition was finally made of it.

be prepared. "These are kept," he says, "in a state of ruinous suspense by my absence."¹

The eldest son of Ethan Allen was placed by him in the University, and in the family of President Sanders. A younger son of Ethan was taken into his own family, and along with his own sons put in the way of preparation for college.² Ira's eldest son was a member of the University for the two years 1808-10, but withdrew on account of ophthalmic difficulty. This was the Hon. Ira H. Allen of Irasburg, who had the opportunity to add to his numerous offices and honors that of representative in the national Congress, if he had not unqualifiedly declined the proposal. The younger son, Zimri, also began a course of study in the University, and read law with the Hon. Charles Marsh of Woodstock, finishing his legal

¹ In their Report to the Legislature, October, 1804, the Trustees of the University say that the subscriptions made in September, 1789, "include \$13,333.33, made by Ira Allen, payable \$3,333.33 in a lot of land to erect the buildings on and materials for the building, and the remainder in new lands." They report also that they have commenced a suit to recover what is still due from Allen, have "obtained judgment and levied the execution on lands in Plainfield, which will probably secure about \$10,000 worth of those lands." His complicated financial embarrassments seem to have rendered necessary such decision by the courts.

² These two young men, Hannibal M. and Ethan H. Allen, were afterward, without the knowledge of their uncle Ira, removed to a military school, and later became officers in the U. S. Army.

studies at the law school in Litchfield, Conn., but died at the threshold of his profession.¹

Tradition presents Ira Allen as a man "of middle stature, thick set, a ruddy and lively countenance, large black eyes, a fine form, genteel in manner, and naturally social." His features as represented by an engraving published some years ago, would of themselves suggest the resourcefulness and the power of comprehension and combination which characterized his political and his business enterprises. Those lips can keep the secrets of the state. The calm and thoughtful eyes above have power to penetrate the disguised sympathies and aims of other men. The face indicates the power of vigorous and apt expression, regulated always by a reticence which guards its own counsel, and keeps the initiative, so far as possible, in its own hands. It betokens a quick intelligence, a temper not easily ruffled, a dignity not incompatible with a generous sympathy, and an ambition not limited to personal regards. It gives the impression of reserved power, yet suggests that all powers are held always as in leash for instant and effective service.

If these serene, thoughtful, almost speaking features could look down upon us from the walls of the Library yonder,

¹It will be of interest to add that a grand-daughter of Ira Allen is now living in the historic town of Lexington, Mass., and two great grand-daughters in this State,—one at Irasburg, and one at Derby Line.

in company with those of James Marsh and Joseph Torrey and Frederick Billings, no alumnus could ever gaze upon them without a thrill of personal gratitude toward the man who builded so generously and so wisely for the commonwealth after helping to lay its corner stone, and successive generations of undergraduates would receive inspiration and courage as they lifted their eyes to meet his look of greeting and benediction. We have hope that the family fireside will not long lack a fitting presentment of the man from whom she traces her being and development. A due filial piety calls upon us to make prompt amends for long neglect.

When Allen was sent in April, 1781, in behalf of the independent republic of Vermont, to arrange a cartel for the exchange of prisoners, and a truce with the British forces in Canada, he delayed his departure a little, as I have already said, for reasons partly personal. Whether it was a matter of mere sentiment, or whether there was a touch of superstition in his make-up, he chose to wait for the first day of May, as the most auspicious beginning of an enterprise fraught with so momentous possible issues. This day of good omen was the anniversary of his birth. Thirty years before he had begun his not uneventful career. So forth he fared, his heart freighted with glad and grateful memories, and buoyant with the hopes of what he might achieve for the sovereign State of which he was the accredited minister, and for the larger inter-

ests of the struggling, and at this juncture, despondent confederacy. Within a few days his diplomacy had gained both its objects.

If I venture to suggest to the honorable Board of Trustees the propriety of ordaining that from this time forward, the first of May, the natal day of Ira Allen, shall be set in the calendar of the University of Vermont as Founder's Day, to be observed as a holiday forever, significant at once of her origin, and of the new life pulsing continually in her veins of perennial and ever bourgeoning prime, I have small fear that any alumnus will enter his protest against the innovation, or that the undergraduate body will petition against such use of one day in the year in grateful recognition of our debt to our earliest benefactor.

A monument over his ashes we cannot raise, for alas, we know not where they repose. Ungrateful Vermont again and again refused to him the immunity which he so earnestly sought in order to a residence within her borders. The State which he contributed so much to establish and consolidate virtually banished him in 1804 and turned a deaf ear to his importunate entreaties for permission to return. By her laws she forbade him to institute the necessary measures whereby he might come by his own again. In hospitable Philadelphia he still planned for the future of his beloved Vermont; prepared an enlarged edition of his history of the State, though

never able to publish it ; continued to advocate the construction of the ship canal of which in 1785 he had procured the survey ; and kept up his old interest in the political movements on both continents. Here at last, after many years of poverty and distress, kindly death released him from the persecutions of his enemies and the bitterness of exile, on the 4th of January, 1814, in the 63d year of his age. His dust reposes in some ancient burial ground of the city of Brotherly Love, but no stone stands above it, and no man can point out the spot.

We can make no amends for the expatriation and sufferings of the closing decade of his life. There is the more reason, therefore, that we keep alive his memory, and signalize his eminent services to the Commonwealth and to the University, by giving special honors henceforth to the day which gave him to the world. Your wisdom, gentlemen, will determine whether such memorial would be wise and proper.

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